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| 10/613,143      | 07/03/2003  | Richard J. Camarota  | 4644.P023AUS        | 6841             |

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| EXAMINER |
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SAWHNEY, HARGOBIND S

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| ART UNIT | PAPER NUMBER |
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2885

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 04/30/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/613,143

Applicant(s)

CAMAROTA ET AL.

Examiner

Hargobind S. Sawhney

Art Unit

2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 44, 46, 48, 49, 60-63, 66 and 83-95 is/are pending in the application.
- 4a) Of the above claim(s) 45, 47, 50-53, 55-59, 64, 65 and 67-82 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 66 and 83-89 is/are allowed.
- 6) ☒ Claim(s) 44, 46, 48, 49, 60-62 and 90-95 is/are rejected.
- 7) ☒ Claim(s) 63 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The Request for Continued Examination together with amendment filed on March 27, 2007 has been entered. Accordingly:

- Claims 1-43, 54, 67, 72 and 73 have been cancelled;
- Claims 45, 47, 50-53, 55-59, 64, 65, 68-71 and 74-82 have been withdrawn;
- Claims 44, 60, 61, 66, 83, 85, 89 and 90 have been amended; and
- New claims 92-95 have been added; and

2. The Terminal Disclaimer filed on June 13, 2006 has been entered, recorded and accepted. Accordingly, the double patenting rejections of claim 63 has been withdrawn.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 44, 46, 49, 60- 62, 91, 92 and 94 are rejected under 35 U.S.C. 102(e) as being anticipated by Grady et al. (US Patent No.: 6,553,629 B2), hereinafter referred as Grady.

Regarding claim 44, 46, 49, 60- 62, 91, 92 and 94, Grady discloses a lighted handle 10 (Figure 1) comprising:

- An elongated light-transmitting member 12 (Figures 1 and 5, column 3, lines 43-45) having each of first end portion and second end portion engageable to respective mounting members 16 and 14, (Figure 1, column 3, lines 15-170; the first end portion 16 and second end portion 14 flanking a hand graspable portion – middle portion connecting both the end portions 14 and 16 (Figure 1); the mounting members 16 and 14 including respective open portions 40' - the combination including elements 24 and 46 - fixedly receiving the end portions 16 and 14 (Figure 4, column 3, lines 59-65); a light transmitting diode (LED) 40 emitting narrow beam light – as well known in the art, an LED has very narrow angle of light beam spread  $7^{\circ}$ -  $15^{\circ}$  (self focusing) - fixedly located within the first mounting member 16; the LED 40 aiming and directing light longitudinally towards the light-transmitting member 12 (Figures 1 and 4, column 3, lines 66, 67; and column 4, lines 1, 2, 10-15 and 26-34);
- the first mounting member including an open portion 46' including: a relatively larger diameter outboard portion 46 receiving the first end portion of the light-transmitting member 12 (Figures 1 and 4), and a relatively smaller diameter inboard portion receiving the LED 40 connectable for low-voltage power supply (Figures 1 and 4);

- The light transmitting bar 12 with the first portion of said first end portion – the portion telescoped in the recess defined by element 46 (Figure 4) - having relatively larger thickness, and a second portion 28 of said first end portion having relatively smaller thickness – due to elements 30 or 32 (Figure 6) extending from said first portion (Figure 4); the second portion 28 having a substantially planar end face (Figure 4); said first end portion being telescoped in said recess, said light emitting diode 40 being disposed in said recess adjacent the inboard end of said bar and aimed at said bar inboard end – because of relative positioning of the reflector 68 (Figure 4);
- The light transmitting bar 12 comprises plastic extrusion with intermediate portion of substantially constant cross section between the free ends (Figure 1, column 3, lines 22-27); and one of the portion- left hand portion – having a machined outer periphery forming a groove 30 (Figure 6, column 3, lines 44-48).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grady et al. (US Patent No.: 6,553,629 B2), hereinafter referred as Grady.

Grady ('629 B2) discloses a lighted handle comprising:

- a first mounting bracket 24'- the combination including elements 16, 20 and 24 – including a leg bearing a recess 46, and the leg curving – the semi-circular outer periphery- spaced from a foot 16 with a mounting surface (Figure 1, column 4, lines 24-26, 45 and 46); the open portion defining a recess 46 (Figure 4, column 3, lines 59-65); the leg free end portion being hollow, and indented by a recess 46 (Figure 1); and
- the light-transmitting member 12 being formed as a bar (Figure 1, column 3, lines 22-24); the light- transmitting bar 12 and the bracket 24' having an adjacent outer peripheral surfaces (Figure 1).

However Grady ('629 B2) does not teach the peripheral surface of the light-transmitting rod and that of the bracket being mutually flush, and the bar continues the peripheral contour of the bracket in a visually unbroken manner.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to shape and size either the transmitting bar or the mounting bracket to provide visually unbroken contours, since it has been held that matters relating to ornamentation only which has no mechanical function cannot be relied upon to patentably distinguish the claimed invention over prior art.

7. Claim 90 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.: 6,553,629 B2 (Grady et al.) in view of US Patent No.: 6,061,160 (Maruyama).

Grady et al. discloses a lighted handle meeting the limitations of 44 as discussed in section 4 above. Grady further teaches the lighted handle 12 including an LED 40 as the light source normally self focused in a relatively narrow light beam along the central axis of the LED (Figure 4), and the LED orientation allowing substantially – broadly interpreted as the light emitted by the LED and that reflected in the closed cavity- all light out put directly applied to the opposed end of the light transmitting member. However, Grady et al. does not specifically teach the light output of the LED on the central LED axis being reduced to half at an angle in the range of 15 to 45 degrees off the axis.

On the other hand, Maruyama discloses a device 10 comprising an LED assembly – with a reflector 4 and a lens 1 (Figures 1 and 2) having an output on the central LED axis being reduced to half at an angle in the range of 15 to 45 degrees off the axis (Figure 7, column 4, lines 42-47).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the lighted handle of Grady et al. by providing the LED as taught by Maruyama for the benefits of high directivity of light beam desired for operational energy efficiency of the device.

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8. Claims 93 and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.: 6,553,629 B2 (Grady et al.) in view of US Patent No.: US Patent No.; 5,297,010 (Camarota et al.).

Regarding claim 93, Grady et al. discloses a lighted handle meeting the limitations of 44 as discussed in section 4 above. However, Grady et al. does not specifically teach the LED having it's the central axis of the light beams extending directly to the opposing face of the first end portion of the light-transmitting bar.

On the other hand, Camarota et al. discloses a lighted handle 10 (Figure 1) comprising a light source 16 having its optical axis – the axis of the light beams – extending directly to an opposing face 14 of the handle bar 10 (Figures 1 and 4, column 3, lines 10-17).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the lighted handle of Grady et al. by orienting the LED as taught by Camarota et al. for the benefits of efficient transmission of light for illumination of the handle.

Regarding Claim 95, dependent on Claim 60, Grady et al. in view of Camarota et al. discloses the lighted handle meeting the limitations in similar manner as that applied to claim 93 discussed above.

#### ***Allowable Subject Matter***

9. Claim 63 is objected to as being dependent upon a rejected base

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claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record, including Grady et al. (US Patent No.: 6,553,629 B2), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose a lighted handle combining:

- At least one of the peripheral walls of the recess, and the first end portion of the bar being tapered as recited in dependent claim 63;

Grady et al. ('629 B2) employs interlocking of a groove with a keyway for retaining the bar member in the recess in non-rotational and stable manner. Therefore, there is no motivation for modifying the lighted handle by providing telescopic tapered walls as detailed above.

10. Claims 66, 83-89 are allowed.

The prior art of record, including Grady et al. (US Patent No.: 6,553,629 B2), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose a lighted handle combining:

- The light transmitting bar including an annular, radially inward extending step abutting the free end of the bracket as recited in the independent claim 83; and an illumination unit having its inward portion positioned adjacent the annular step as recited in the independent claim 83;
- The light transmitting bar member including the first end portion with an annular groove, which receives a seal ring mounted on the an interior

peripheral surface of the recess as recited in the amended independent claim 66.

Grady et al. ('629 B2) employs interlocking of a groove with a keyway for retaining the bar member in the recess in non-rotational and stable manner. Therefore, there is no motivation for modifying the lighted handle with an annular groove and seal ring combination.

Therefore, the amended independent claim 83 is allowed over prior art.

Claims 84-89 would necessarily be allowed because of their dependency on the base claim 83.

### ***Response to Amendment***

1. Applicant's arguments filed on December 19, 2006 with respect to the 35 U.S.C. 102(e) rejections of claims 44, 60 and 90; and 35 U.S.C. 103(a) rejections of claim 48 have been fully considered but they are not persuasive.

Argument: Regarding claim 44, Grady et al. does not teach "an LED aimed longitudinally of the said light transmitting member".

Response: The limitation "an LED aimed longitudinally of the said light transmitting member" is indefinite. It does not relate the direction of aiming to the optical axis of the LED with respect to a particular structural element/ portion of the light-transmitting member. As recited, the limitations of claim 44 are met by the prior art Grady. The above response also applied to Claim 60.

Argument: Regarding claim 90, the recitation "the light output on its central axis is reduced to half at an angle in the range of  $15^{\circ}$  to  $45^{\circ}$  off the axis ..... opposed end of the light transmitting bar" should not be considered as functional language, as it is coupled with means recited in the same claim.

Response: Applicants argument has a convincing argument. Thus, claim 90 has been examined considering all its limitations, including those addressed under the functional recitation.

Argument: Would the argument "the applicants invention was reduced to practice prior to the earliest filing date of the Grady reference" be sufficient to suitably overcome the Grady reference?

Response: The above statement needs to be supported with an affidavit and documentation supporting the affidavit as per MPEP.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S. Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk Lee can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

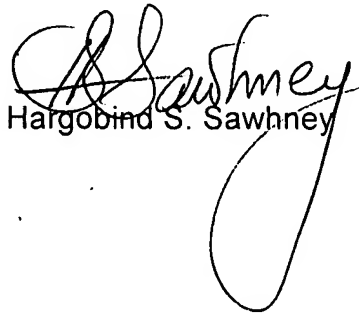
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HSS

4/24/2007

Examiner: Hargobind S. Sawhney

A handwritten signature in black ink, appearing to read 'H. Sawhney', is written over the printed name of the examiner.